PREFACE

1. The present report is the second to be presented to the Secretary-General of the United Nations for consideration by the Committee since Ecuador signed and ratified the Convention on the Elimination of All Forms of Discrimination against Women.

2. The present section of the report provides information on Ecuador, the status of women in general, and the treatment of women by the State.

3. The purpose of this study is to provide information on the evaluation of the problem of the equality of the sexes within a comprehensive and specific chronological framework and particular social conditions.

4. In the following chapters, the various questions dealt with in each of the provisions of the Convention will be examined. The analysis will be divided into the following parts:

I. Introduction;

II. The current status of women in Ecuador;

III. Legal status, in the light of articles of the Convention;

IV. The methodology used by Ecuador in preparing the report in accordance with article 18 of the Convention;

V. Distribution of the Convention;

VI. Public education in relation with the Convention.

CHAPTER I

INTRODUCTION

1. General information on Ecuador

1. Ecuador is a country of 270,670 km^2 with a density of 32 inhabitants per km^2. 1/ The country is characterized by the diversity of its territory, which contains a number of physical, economic and demographic regions, the rapid pace of urbanization, which is such that half the population lives in towns, and the high rate of population growth, 2.6 per cent - lower than in previous decades.

2. In 1982, the population of Ecuador was 8,060,712. The estimated population was 9,922,500 for 1987 and is 10,781,000 for 1990. The agricultural sector is the key to the economy of Ecuador. Parallel to this activity, the mining sector, petroleum manufacturing, electricity, gas, transport, communications and services have played a significant role in the country's economy.

3. Ecuador has the human and natural resources required to achieve sustained economic growth. Agricultural and marine resources, together with petroleum reserves, are sufficient although not adequately exploited.

4. In recent years there has been a rapid increase in the rate of school attendance at the primary and intermediate levels, which has placed Ecuador "among those countries with the highest educational indices in the region". 2/ Nevertheless, there is still a need for greater coverage in the formal and non-formal education subsystems, particularly in remote and low-density population centres.

2. National fact summary

2.1 Socio-cultural framework

5. Ecuador is a multiracial and multicultural society. Its population consists of whites, mixed races, Indians, aboriginal groupings and black communities. Each of these groups is linked by bonds of affinity very often deriving from a common past, the same racial background, and the same linguistic branch. They maintain their own cultural traditions and have different outlooks on the world, expressed in their experience, rituals and symbolism.

6. There is no accurate count of the number of each of these human groups. It is estimated, however, that some 2 million indigenous people live in the Inter-Andean, Amazon and coastal regions. In the Inter-Andean region there are the Awakuaiker, Quichuas of Imbabura, Salasacas, Saraguros, and Tsachilas; in the Amazon region, the Cofanes, Siona, Secoyas, Huaorani, Shuar, Achuar, Quichuas, Alamas, Yumbos and Ingas, and, in the coastal region, the Chachis.

7. As in all countries of Latin America and the Caribbean, the population of Ecuador consists of groups that own the means of production and groups living a marginal existence.

1/ Fourth population and housing census, 1982. National Institute of Statistics and Censuses.

2/ Ecuador, Desarrollo Educativo: Problemas y Prioridades, UNESCO, May 1986.

8. The circumstances reflecting the condition of marginalization are various: the determining factors to be mentioned are housing, overcrowding, morbidity and mortality, nutrition and food, work and education.

Housing*

9. There are 1,576,400 dwellings in the country, of which 787,200 are located in rural communities. Of the grand total, 141,000 are rooms in boarding houses, 203,700 are lean-tos, 163,600 are farms or farm stores, 49,000 are shanties and 3,000 are hostels. Of this same grand total, 361,570 are one-room dwellings, 529,930 are two-room dwellings and 282,320 are three-room dwellings. That means that only 25 per cent of dwellings offer specific comfort.

10. The predominant building materials used in makeshift dwellings are tiles, adobe and wood. Clearly, the housing problem is acute, bearing in mind that every year there is a greater shortage. This shortage is not only quantitative but qualitative. Moreover, there is a well-known state of suburbanization in the suburbs surrounding the large cities such as Quito, Guayaquil, Quevedo, Machala, Esmeraldas and Milagro, where unauthorized building and population influx have created slums.

Overcrowding

11. Urban centres are becoming increasingly overpopulated, turning into centres of congestion, lacking comfort. After flooding into existing accommodation in the cities, needy groups have invaded the hills, mangrove and other swamps, beaches and productive agricultural land. Of course, overcrowding is not only a phenomenon of the slums or the suburbs, it is also a symptom of marginality in rural zones.

Mortality and morbidity

12. The marginal urban population and the rural population do not have the necessary opportunity for access to medical units or health centres. Approximately 60 per cent of the population indicated lacks health-care services. In 1980, there were 221 health centres to care for a marginalized population of more than 2 million people. In other words, each centre had to provide care for 8,500 people, which clearly shows the inadequacy of cover.

13. Official figures indicate that there are 15,400 hospital beds. Thus, there is one bed for the treatment requirements of every 600 people. It has also been established that 90 per cent of nurses are in urban areas and that barely 10 per cent work in rural areas.

14. In Ecuador, the curve of mortality rates is U-shaped, beginning with a high percentage at birth, falling rapidly after the first year of life, reaching its lowest value in the 10- to 40-year-old age group, then rising slowly to 54 years, with an abrupt rapid increase thereafter.

15. The child population (infants under 5 years) and women between 15 and 49 years are exposed to the highest risk: mortality among children under 5 represents 45 per cent of all deaths and some 500 mothers die each year during pregnancy, childbirth and the puerperium. In the cities of Quito and Guayaquil, infant mortality is 67 per thousand live births, while in marginal areas this rises to 122 per thousand.

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* Fourth population and housing census, 1982. National Institute of Statistics and Censuses.

16. The main causes of infant mortality are gastro-enteritic and bronchial diseases, whooping cough, measles and tetanus.

17. Generally speaking, mortality is not simply a biological but also a socio-economic phenomenon caused by the lack of an adequate diet and of preventive medicine, timely medical care, pre-natal, peri-natal and post-natal care, and the lack of means to provide housing with minimum facilities and services.

18. The main causes of morbidity and admission to hospitals and health centres are infectious diseases, intestinal diseases, circulatory diseases, tuberculosis, malaria, bronchitis, hernias, pneumonia, tumours, obstetric infections, and injuries.

Nutrition and food situation

19. Malnutrition is a serious problem in the country. Special studies estimate that approximately 1,500,000 Ecuadorians, among children under 5 years and pregnant women or nursing mothers, are suffering from some form of malnutrition caused by an inadequate diet.

20. If children of school age and other adults who also suffer from malnutrition are added to this vulnerable group, the figure is alarming. Related studies show that 40 per cent of school children are undernourished and that in tropical zones 45 per cent of the population is anaemic. It is quite clear that there is malnutrition amongst the poor. It is evident that greater availability of cheap foodstuffs and the chance to obtain proper and adequate remuneration will result in lower levels of malnutrition.

21. Population growth and development unquestionably have a direct bearing on food production and demand, and consequently on the nutrition, or malnutrition, of people in a region, province, canton or community. While there is no question, however, that more food should be produced to tackle the hunger suffered by groups at the extreme poverty level, hunger will not be overcome until families with inadequate nutrition have the opportunity to earn adequate incomes.

Labour situation

22. The population and educational problems are accompanied by the social phenomena of underemployment and unemployment. Unskilled human capital and unemployment are evidence of the fact of marginalization.

23. In 1982, the country had 8,060,000 inhabitants. Of these, 4,285,000, or 51 per cent of the total population, were capable of work, while the economically active population was only 2,346,000.

24. The fact that 800,000 people did not have work or were underemployed reflects a serious social and economic situation. Expressed in another way, this fact means that one person in every three of the economically active population was unemployed or underemployed. The absolute figures have varied, but the ratio has remained virtually the same.

25. Projections confirm that the labour force in the country is engaged chiefly in agriculture, public works, services, craft industries and small industry. This labour force comes in the main from the so-called working classes.

26. Although all are faced with common problems, conditions vary both in standards of living and life-styles as well as in income levels. Some do not receive the minimum wages, nor additional remuneration or profits, and they do not enjoy paid holidays or other incentives.

27. In particular, agricultural workers are dependent on the large landowners.

28. The modernization of agriculture, economizing on manpower, is the general trend in most estates, changing the quality of traditional labour relations and gradually transforming the countryside into ordinary communities which are alien to the economic needs of the normal peasant and his family.

29. With regard to the circumstances of present-day workers in the country and the city in general, the unjust wage which is barely sufficient for subsistence forces women and children to play an active part in the family economy, to the detriment of their real duties and interests, and to work as shrimp sellers, banana packers, street vendors, and in domestic service.

30. The social framework described above will require that social policies to satisfy the basic needs and raise the standards of living of the marginalized population be based on the following general criteria:

(a) The search for a solution to the problems faced by Ecuadorian society must be pursued through an integrated intersectoral and inter-institutional approach;

(b) Social and welfare policies, particularly those aimed at the marginal sectors most affected by the crisis, must receive priority attention from the Government. The problem of women and minors must be covered in this context and receive urgent attention in order to save generations whose survival is at risk;

(c) Overcoming the underdevelopment and economic dependence to which the country is subject will be possible only when a way is found to balance internal and external power relations and to take action accordingly.

2.2 Economic framework 3/

31. Ecuador, which is a developing and dependent capitalist country, is currently going through one of the greatest socio-economic crises in its history, with inflation rates of 27.3 per cent in 1986 and 55 per cent in July 1988, and with an external debt of 10,536 million sucres.

32. While many of the causes of the crisis stem from the international recession, it is equally true that some have been generated by the weakness of the current development model, which has displayed increasing reliance on the foreign trade sector, through petroleum exports, and excessive dependence on foreign capital. The expectations aroused by the process of industrialization with regard to reversing the dependence of the traditional Ecuadorian economy on the foreign sector, diversification of the manufacturing base, development of internal factors of growth and improving the balance of payments have been frustrated in recent decades.

33. Grave distortions can be noted in the industrialization process, since it has tended rather to consume more foreign exchange than to constitute a factor for savings in requirements for raw materials, intermediate goods and imported capital. It has tended to use labour-saving technology, which has hindered action to correct current underemployment levels and thwarted an incipient potential for linkages with other sectors of the economy, particularly agriculture.

3/ Ecuador: Lineamientos de une estrategia para el desarrollo, Secretariat-General for Planning, CONADE, 1984.

34. The agricultural sector, which has traditionally been the provider of foreign exchange through primary production for export, despite internal changes in recent decades, has the lowest sectoral growth rates, low productivity levels, unsuitable use of land resources and high underemployment.

35. In the 1970s, the petroleum trade made it possible to achieve a significant leap in the value of exports, which grew more than sixfold between 1972 and 1979 (from $US 21,151,000). This favourable situation in the external sector of the economy was reflected in an increase in installed industrial capacity and the implementation by the State of major public projects which made it possible to eliminate structural problems. These activities inevitably led to a deficit in the balance of payments.

36. Subsequently, with the fall in petroleum prices on the international market, the external payments situation tended to worsen. In recent years, the use of external credit has made it possible to maintain a favourable level of payments, but by deferring the deficit and increasing it to future levels never previously known in this country.

37. Since 1982, the country has been faced with a difficult situation with the suspension of credits previously contracted on unfavourable terms. The situation is reflected in the current account deficit, which rose from $US 614 million to $US 1,064 million in 1982, as well as in the drastic decline in United States foreign exchange reserves, which fell from $US 858 million in 1980 to $US 151 million at the end of 1983.

38. Clearly, following the continual decline in the level of economic growth, restrictions on credit led to a crisis in 1982 and 1983. The crisis was aggravated in 1983 by the disasters caused by the harsh winter, which impaired agricultural production.

39. In order to meet this crisis, which it inherited, the present Government resorted to ad hoc measures such as devaluation of the currency, import restrictions, and austerity in refinancing the external debt.

40. With the increase in exports of petroleum, shrimps, bananas and cocoa and the measures taken the trade balance had recovered and the economy had clearly revived by 1986. These suffered a severe setback due to the natural disasters of March 1987, which in particular paralysed oil exports and made it necessary to mobilize co-operation between the Civil Defence and all the community and economic forces of the nation in solving the social and economic problems of the devastated zones.

41. Furthermore, the decline in the economy recorded in recent years has led to a drastic reduction in the capacity to generate new jobs, causing an increase in unemployment and underemployment figures already characteristic of the decade.

42. Equally, the attempt to find a solution with regard to payment of the external debt has resulted in an increase in inflation, with a direct impact on the economy of the lowest income homes; together with the difficulties in creating employment, this threatens to cause a massive deterioration in living standards for large sectors of the population.

43. The facts briefly described above reveal a critical outlook for the country in the years ahead. The scarcity of economic resources is a latent problem in the economy, entailing a reduction in Government resources for public investment, particularly in the social sector.

44. Under these conditions, it is the prospects for survival and development of women and children, mainly in the marginal zones, that are most affected.

CHAPTER II

THE CURRENT STATUS OF WOMEN IN ECUADOR

1. Population statistics

45. The Fourth Population Census and Third Housing Census carried out in 1982 showed what changes had taken place since 1974 in the economic, social and population structure of the country.

46. The population of Ecuador was 8,060,712 in 1982. Of these, 4,021,034 or 49.9 per cent were males, and 4,039,678 or 50.1 per cent were females.

1.1 The female population

47. Between 1950 and 1982, the total population of the country increased by 152 per cent, rising from 3,100,000 to 8,060,712 over this 32-year period.

48. The female population increased from 1,600,000 in 1950 to 4,039,678 in 1982, that is, an increase of 150 per cent.

49. We should point out that females have almost always constituted half of the population of Ecuador.

1.1.1 The overall sex distribution is balanced at national level.

50. If the age group ratios are compared, differences can be noted. For example, there are more males than females under 14, owing to the higher male birth rate. On the other hand, from the age of 14 years upwards, there are more females than males, since male mortality is higher, a phenomenon which becomes more accentuated at advanced ages.

51. From 60 years of age upwards, the number of males decreases significantly. Thus in 1950 there were 73.8 males for every 100 females, while in 1982 the ratio was 84.5 for each 100.

52. Taking the population as a whole, the number of males has always been less than 100 for every 100 females.

1.1.2 The female population by age group

53. A feature of the population of Ecuador is that it is very young. Among the total population of the country (males and females), 23.8 per cent are women of childbearing age, i.e. between 15 and 49, the total number being 1,914,565.

1.1.3 The female population by area

Urban areas:

54. In 1950 479,462 females were living in urban areas. By 1982 the urban female population had risen to 2,039,678, giving a 325 per cent increase over the period 1950-1982, with an annual growth rate of 4.5 per cent.

Rural areas:

55. In 1950 1,128,492 females were recorded as living in rural areas. By 1982 the number of females living in such areas had risen to 2,000,000 - an annual growth rate of 1.8 per cent.

56. The increase in the period under study was only 77 per cent in rural areas, compared with 325 per cent in urban areas, clearly showing the rapid process of urbanization of the Ecuadorian population, mainly caused by the migration from the country to the towns, a movement in which females predominated. This was also reflected in the ratio of females to males by area. In rural areas there are 49 females for every 100 inhabitants, while in urban areas there are 52 for every 100.

2. Infant mortality by sex

57. In the period 1950-1955 an average of 139.5 infant deaths per year was recorded for every 1,000 live births.

58. In the same period, the number of deaths of female infants was 128.1, compared with 150.5 for males. In the period 1970-1975, infant mortality declined significantly, but mortality among male children was 103 per thousand compared with 86.2 per thousand among female children.

59. In the five-year period 1980-1985 the decline in the national infant mortality rate continued as did that of maternal deaths.

3. Female expectation of life at birth

60. In 1950 the expectation of life of females in Ecuador was 48 years. By 1982 this had risen to 66 years, much the same as the Latin American average of 66.3 years.

4. Fertility

4.1 Overall fertility

61. In the period 1960-1965, the overall fertility rate was 6.9 children per woman. In the period 1980-1985 it was 5.0 children per woman.

4.2 Gross reproduction

62. The gross reproduction rate in Ecuador was 2.4 children per mother at the end of the reproductive cycle in 1985, a high figure compared with other developing countries (2.0) and much greater than that in the developed countries, which recorded a figure of 1.0 per mother between 1960 and 1965.

5. Education

5.1 Female literacy

63. The literacy situation has been improving in the country but there are differences when the sexes are compared.

64. There has been a significant decrease in the number of illiterate males but only insignificant decrease among females. For example, in 1962, out of a national total of 918,030 illiterates, 520,072 were females. By 1982, the total number of illiterates had declined to 844,534, including 501,565 females. This means that over a period of 20 years the number of illiterate females fell by a mere 18,507.

65. Rural areas display a permanent state of marginalization, particularly affecting women within those areas, since to a large extent the most destitute are located in this zone.

66. In 1982, in urban areas, out of a total of 166,814 illiterates, 109,793 were females.

In 1982, in the rural zone, out of 677,720 illiterates, 391,772 were females. This means that in urban areas seven out of every 100 females over the age of 10 years cannot read or write.

67. In rural areas, 29 out of every 100 females are illiterate.

5.2 Education and fertility

68. The educational level achieved by women is directly related to conjugal fertility.

69. Thus in 1985 mothers without any education had an average of 8.6 children. Women with incomplete primary education had 7.9 children. Women who had completed primary education had 5.6 children. Mothers with incomplete secondary studies had 3.8 children and women who had completed secondary or higher education had three children. Thus there is an inverse ratio between education and the number of children.

6. The economically active female population

70. In 1962, the economically active population amounted to 1,443,000, of whom 235,000, or 63 per cent, were women.

71. In 1982, the national economically active population was 2,346,000, of whom 484,000 were women, that is 20.6 per cent.

72. These figures show that women are gradually integrating into the productive sectors of the country, women aged between 20 and 34 years being the most represented.

7. Participation in politics and elections

73. Although the law provides the equal rights of men and women to participate in political life, as a voter or candidate, women are still in a minority, particularly as candidates, owing to the social and ideological climate.

74. In 1984, 9.06 per cent of candidates and only 2.5 per cent of those elected were women.

75. In 1988, this percentage rose to 16.5 per cent, of whom only 6.98 per cent were elected, giving rise to the observation that there is a tendency to put forward women to occupy secondary or temporary posts.

8. The presence of women in management positions

76. In this area, the achievements of women in Ecuador are also limited, although gradual progress is being made.

Thus, in 1969, the post of Under-Secretary for Education was given to a woman. In 1979, two women were appointed, one as Minister of Social Welfare and the other as Under-Secretary for Natural Resources.

In 1984, 20 per cent of posts at executive level, but barely 3.7 per cent of posts in the judicial area, were occuped by women.

77. Consideration of these data leads us to conclude that the society in which we live does not guarantee equal access of women to all fields of public activity and even less to management functions.

78. The task of re-educating society involves all those institutions and those persons, both men and women, who are aware of and committed to the urgent social change required by the nation. Democratic openness and the participation of all social sectors in the distribution of wealth is a right which all Ecuadorians, particularly women, must defend.

CHAPTER III

THE LEGAL STATUS OF WOMEN IN ECUADOR

Background to the signature of the Convention

79. Ecuador signed the Convention at the Copenhagen meeting in 1980; and the Convention came into effect with the force of a law of the Republic on 7 October 1980. Presidential ratification took place on 19 October 1981.

80. Ecuador, as a member of international organizations, has accepted and ratified not only declarations on human rights but also various international conventions whose object is to improve the status of women in all social spheres, principally regarding their participation in economic, political, social and cultural life.

ARTICLE 1

81. Article 1 of the Convention defines the expression "discrimination" when it states: "For the purposes of the present Convention, the term 'discrimination against women' shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

82. Analysis of this definition leads us to conclude that:

- Discrimination can take various forms: distinction, exclusion or restriction. This alerts women and Governments to the various types of discriminatory behaviour which often occur in a diguised form and are not easy to detect.

83. Article 19 of our Constitution states that: "Every person enjoys inviolability of life, security of person and the right to full material and moral development, and torture and any inhuman or degrading procedure are prohibited". It respects the right to freedom of opinion, the right to honour and a good reputation. It clearly establishes equality before the law and states "Women, regardless of their civil status, have equal rights and opportunities with men in all aspects of public, private and family life". The Constitution also establishes that these constitutional guarantees cannot be changed by any person, whatever his authority or power. The Constitution is the fundamental charter of the State of Ecuador to which all other national laws are subject.

ARTICLE 2

84. States parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy aimed at el minating discrimination against women and, to this end, they undertake:

(a) To embody and guarantee by law the principle of the equality of men and women in their constitutions and any other appropriate legislation if not yet incorporated therein;

(b) To adopt appropriate legislative and other measures, including appropriate sanctions, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on the basis of equality with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that the public authorities and institutions act in conformity with this obligation;

(e) To take appropriate measures to eliminate discrimination against women by any person, organizations or enterprises;

(f) To take all appropriate measures, including legislative measures, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.

85. The provisions of this article contain the following concepts:

- Legislative discrimination;
- The real discrimination that occurs in daily life through acts or omissions;
- The obligation of the States parties to take all appropriate measures to eliminate such discrimination.

86. In Ecuador, under the Constitution of the Republic, men and women have the same rights and duties, but this concep is frustrated by long-standing male-oriented social and cultural practices.

On 18 August 1989, the National Congress approved 81 reforms to the Civil Code, aimed at maintaining the juridical equality of women and men in marriage, the administration of the joint estate, the responsible and joint parenthood of the spouses, the articles of marriage formulating the marital obligations and rights of spouses, parental authority, and the termination of marriage.

87. The most important reforms are the following:

MARRIAGE

PREVIOUS PROVISIONS	AMENDED PROVISIONS
Article 81	
88. "Marriage is a solemn contract by which a man and a woman are at present and for all their lives indissolubly united for the purpose of living together, procreation and mutual support."	Marriage is a solemn contract by which a man and a woman are united for the purpose of living together, procreation and mutual support.
Article 99	
89. Civil marriage in Ecuador shall be celebrated before the Chief of the Civil Registry Office in the cantonal capital of domicile of either of the parties, or before the chiefs of the area Civil Registry Offices, or the political lieutenants in rural parishes. In each case, the competent official may delegate his functions to any other administrative official. The presence of two witnesses is always required.	In article 99, the expression "or the political lieutenants in rural parishes" is deleted.

90. Commentary: By this provision, the former possibility of celebrating marriages in rural parishes before the political lieutenants has now passed to Civil Registry Office officials who are stationed in all parishes, since the contracts are related to the civil status of persons.

PREVIOUS PROVISIONS	AMENDED PROVISIONS
Article 105	
91. Divorce dissolves the marriage bond and leaves each spouse free to contract a new marriage, but the woman shall not be able to contract a new marriage until one year after the divorce decree is registered. The same applies to marriage within the year following the date of registration of the divorce decree if the woman was the plaintiff in the proceedings and the decree was pronounced in her absence.	Divorce dissolves the marriage bond and leaves each spouse free to contract a new marriage, except as provided under the regulations for women in this Code.
Article 109	
1. Adultery of one of the spouses.	
2. Maltreatment (excessive cruelty).	

3. Serious insults and hostile attitude which clearly demonstrate a habitual lack of harmony between two parties in married life.	Serious injuries or hostile attitude.
4. Serious threats by one against the other.	
5. Attempted homicide.	
6. The birth to the woman of a child conceived before the marriage, provided that the husband has denied paternity and a judge has ruled in his favour.	
7. Acts designed to corrupt the other spouse or the children.	
8. A serious, incurable, infectious or hereditary disease of one of the spouses.	
9. Inveterate inebriety (habitual drunkenness) or drug addiction of one of the spouses.	
10. Sentencing of one of the spouses to more than five years in prison.	
11. De facto separation of the spouses for more than three years, without their having had sexual relations during that time.	Ground 11 is replaced by the following: "The voluntary and unjustified abandonment of the other spouse for more than one year without interruption. If the abandonment referred to in the previous paragraph has lasted more than three years, either of the spouses may seek a divorce. Ground No. 12 is deleted."
12. More than 15 years of judicially authorized separation.	
Article 134	
PREVIOUS PROVISIONS	AMENDED PROVISIONS
92. The spouses are under an obvious obligation to keep faith with each other, support and help each other in all circumstances of their lives.	Spouses are under an obligation to keep faith with each other, support and help each other in all circumstances of their lives.
93. The husband owes protection to the wife and the wife owes obedience to the husband within the rules of morality and propriety.	Matrimony is based on equality of the rights and duties of the two spouses.
Article 135	
94. The husband has the right to oblige the woman to live with him and to accompany him wherever he moves his residence, except for reasonable and appropriate cause approved by a judge.	The spouses shall decide by mutual agreement on their place of residence.

The wife, for her part, has the right to be received by the husband in his house.

Article 136

PREVIOUS PROVISIONS	AMENDED PROVISIONS
95. The spouses must mutually provide for each other's needs and contribute, according to their abilities, to the maintenance of the common household.	The following paragraph is added: The duties and rights which are established by this Code for the spouses shall continue for as long as the marriage is not legally dissolved, even though, for whatever reason, a common household is not maintained.
96. Each of the spouses shall always be obliged to provide the other with the assistance required for his judicial actions or defence.	

Article 138

97. The husband is responsible for the normal administration of the joint estate, but he may authorize the wife to carry out acts related to such administration.	Either of the spouses, subject to prior agreement, shall be responsible for the normal administration of the joint estate; but each may authorize the other to carry out acts related to such administration.
98. It shall not be assumed that the husband's authorization has been given, except in cases where this is provided by law.	It shall not be assumed that such authorization has been given, except where the law so provides.

Article 180

99. The husband is the head of the joint estate and as such freely administers the common property, subject notwithstanding to the obligations imposed by this Title and those agreed to in the marriage contract.	The spouse responsible for the normal administration of the joint estate shall be the spouse so designated by decision of the contracting parties in the articles of the marriage contract; in the absence of any such stipulation, it shall be assumed that the husband is the administrator. In all cases, the administrator shall be subject to the obligations laid down by the law and, where such exists, the marriage articles.

PREVIOUS PROVISIONS	AMENDED PROVISIONS
100. The joint estate is dissolved:	Subparagraph 3 of this article is deleted.

Article 194

1. By termination of the marriage;
2. By a judgement which assigns definitive possession of the goods of the missing party;

3. By judicially authorized separation of the spouses;

4. By judicial decree at the request of either of the spouses and

5. By declaration of nullity of the marriage.

101. In the cases of partial separation of goods joint ownership of remaining goods shall continue.

The following is decreed:

Where there is only one item of the joint estate intended for residential purposes, the spouse to whom the care of minor or disabled children is entrusted shall have the real right of use and residence for as long as the incapacity of the children lasts and the decision or ruling so determining shall be recorded in the appropriate property register.

The enjoyment of the right of use and residence referred to in the previous paragraph eliminates the possibility that the other spouse may cohabit in the encumbered property, and the injured party may seek protection with regard to its possession.

Article 181

PREVIOUS PROVISIONS

102. In relation with third parties, the husband is the owner of the common property, as if the latter and his own property constituted a single estate; consequently, during the marriage, the husband's creditors may prosecute claims against both his property and the common property, without prejudice to payments or compensation which as a consequence the husband owes to the joint estate or the joint estate to the husband and notwithstanding the provisons of article 188.

103. The creditors may, however, in a subsidiary manner, prosecute claims against the property of the wife that result from a contract concluded between them and the husband or the wife authorized by him [to conclude the contract].

AMENDED PROVISIONS

The spouse responsible for the normal administration of the common property may carry out acts of disposal, transfer, leasing, restriction or encumbrance of moveable and immovable property, shares, commercial paper and securities, only with the express consent of the other spouse. Where such consent cannot be expressed, the administrator of the common property must have appropriate authorization by a civil court judge located in the domicile of the administrator, and that judge alone shall have power to confer such authorization where there is a real impediment on the part of the spouse who is not the administrator and an urgent, duly justified and proven need to carry out the acts.

The omission of the expressed consent of the spouse who is not the administrator of the common property, or of the judge, where appropriate, shall be a cause of the nullity of the act or contract concluded by the administrator.

	Either of the spouses may carry out acts of administration of common property and may also acquire or dispose of goods of normal family use or consumption without the consent of the other.
Article 182	
104. Any debt contracted by the wife with a general or special mandate or with the express or tacit authorization of the husband is, in relation with third parties, a debt of the husband, and consequently of the joint estate; the creditor may not prosecute a claim for payment of this debt against the wife's own property, but only against the property of the joint estate and the husband's own property; this without prejudice to the provisions of paragraph 2 of the preceding article.	The husband and the wife, in respect of third parties, are owners of the common property; throughout the duration of the joint estate, the creditors of the spouses may prosecute claims against the common property, always providing that the obligation has been incurred jointly by the two spouses; the estate of the spouse who has benefited shall be liable only in a subsidiary manner. The personal liabilities of either of the spouses shall be charged only against the property of that spouse, and the personal creditors of each spouse may prosecute their claims against such goods and in a subsidiary manner against the common property up to the amount of the benefit obtained through the transaction or contract; all the foregoing without prejudice to the payment or compensation which as a result thereof are owed by the spouses to the joint estate or by the joint estate to the spouses, and without prejudice to the provisions of this Code and the marriage articles.
105. Contracts concluded by the husband and the wife jointly, or to which the wife binds herself jointly or in a subsidiary manner with her husband shall not be valid against the wife's own property, except in the cases and terms of the aforementioned second paragraph.	
PREVIOUS PROVISIONS	AMENDED PROVISIONS
Article 139	
106. The wife does not require the authorization of the husband to dispose of her own property, by testamentary act or <u>intra vivos</u>. In general she shall have the same capacity as she would have if she were still single, in all matters relating to her own property or to transact third-party business.	Neither the wife nor the husband shall require the authorization of the other to dispose of her/his own property by testamentary act or <u>intra vivos</u>. They shall have the same capacity as they were single, in all matters relating to their own property or to transact third-party business.
Article 149	
107. The term "marriage articles" shall be applied to the agreements that are made by the spouses before contracting marriage, or by the spouses in the event of reconciliation after judicially authorized separation, and that concern the property, and gifts that they desire to make one to the other at the present time or in the future.	The term "marriage articles" shall be applied to the agreements made by the engaged parties or the spouses before, at the moment of celebration, or during the marriage relating to the property, donations and assignments that they desire to make one to the other at the present time or in the future.

Article 155

PREVIOUS PROVISIONS	AMENDED PROVISIONS
108. The marriage articles shall not be considered to be irrevocably binding until the day of the celebration of the marriage; nor, following celebration of the marriage, may they be changed even with the consent of all the parties to them.	The marriage articles shall not be considered to be irrevocably binding, but may be amended before or during the marriage by common accord between the spouses.
109. Nevertheless, the marriage articles may be amended in the event of the reconciliation of spouses who have obtained a judicially authorized separation.	

Article 24

110. Filiation and the corresponding paternity and maternity are established by: (a) The fact of a person having been conceived within the actual or putative [marriage] of his parents; (b) Voluntary recognition by the father or the mother or by both, where they are not married; (c) A judicial declaration as the child of a particular father or mother.	A subparagraph (d) is added as follows: By virtue of being born into a de facto, stable, monogamous and legally recognized union.

Article 294

PREVIOUS PROVISIONS	AMENDED PROVISIONS
111. The father, or failing him the mother, shall have the right to direct the education of the children; however, the children shall not be obliged to take holy orders or to marry against their will.	The father and mother have the right and the duty to direct the education of their children; however, the children shall not be obliged to take holy orders or to marry against their will.

Article 321

112. Paternal authority is suspended where the father is insane or prohibited from administering his own property or during long absence resulting in serious prejudice to the interests of a child not supported by the absent father.	Parental authority is lost or suspended when the father or mother exercising it are in situations covered by the Code for Minors.

Social and legal imbalances which remain: rights of women under labour law

113. The fundamental problem encountered in the legal regulations relating to work by women is that it is put on the same level as work by minors, whereas the two categories are quite different in reality, and the conditions in which they provide their services are also totally different. For this reason, we consider that there should be separate regulations for work by the two categories.

114. With regard to the rights of pregnant women it is provided that women are prohibited from working during the two weeks before and the six weeks after childbirth; a woman's contract of work cannot be terminated on grounds of pregnancy. During that period a woman will receive full remuneration. If a woman is absent for more than a year because of serious illness caused by childbirth or pregnancy, the employer cannot terminate her work contract. Women are entitled to two hours' breast-feeding time during the nine months following childbirth; they cannot be dismissed without notice after the onset of pregnancy.

115. Article 156, paragraph 1, of our Labour Code provides: "That in permanent places of work employing 50 or more workers, the employer shall provide adjacent or near to the enterprise or work centre a children's nursery service for care and feeding, together with premises and equipment for the service".

116. However, this is not being implemented, as under the previous Government the regulation was changed so that the term "employees" was replaced by "female employees, that is, only working mothers.

117. On this basis, we consider that women have not achieved the required and desired equality under labour legislation, although labour law, like any other discipline, has certain basic principles which characterize and distinguish it from other branches of law. Thus, article 148 of our Political Constitution states "Work in its various forms is a social duty and enjoys the special protection of the law. The law must provide minimum subsistence conditions for the employee". From this principle it follows that work is a social duty, in that it constitutes an appropriate means for ensuring that both the individual and society can achieve their essential aims.

118. Theoretically, women should receive the same remuneration as men when they perform the same work, but in practice it is calculated that women receive between 40 and 60 per cent less than men. Men continue to be preferred for management posts, both in the private and public sectors.

119. The work preferences of women relate to their participation and training, so that they continue to occupy labour sectors where minimal or no training is required. Thousands of rural women migrate from the country to the city, either temporarily or permanently, and make up the vast army of domestic servants.

120. Many working women belong to the informal sector, which means that they do not receive regular remuneration, work for their own account and are not covered by the social security scheme. This group includes itinerant vendors, casual workers and the tireless mothers of families and the majority of female heads of households.

Social security and women

121. The Ecuadorian Institute of Social Security is an institution which has adopted a series of resolutions including various benefits for women in Ecuador. However, there are also some articles which need to be amended in order to ensure better implementation of these resolutions and to attain the targets desired by Ecuadorian women who are protected by the social security system, as stated below.

122. Article 23 of the Political Constitution governs stable and monogamous de facto marriages between a man and a woman, outside the bonds of matrimony, with a right to social security benefits.

123. There is a regulation to provide a layette service or its cash equivalent for those covered by the social security scheme with a right to maternity benefit. The monetary payment is equivalent to 25 per cent of the minimum subsistence wage in force in the country.

124. Under the Law on Compulsory Social Security, social insurance is provided for motherhood, together with sickness and maternity benefits; it is provided that women who are so covered are entitled, during pregnancy, confinement and the post-natal period, to the necessary obstetric care and a cash subsidy during the two weeks prior to confinement and the six weeks following. This is payable to women under the Labour Code. This subsidy will be equal to 75 per cent of the average wage or salary. The child will be entitled to medical care during the first year of life.

125. With regard to pension provisions for working women, the Ecuadorian Institute of Social Security will have the obligation to provide pensions to working women so requesting when they have paid 300 contributions, at a rate of 100 per cent of the average of the five years with the highest wage or salary, without regard to age or adjustment to any quota and restricted only by the limits in force at the date when the female employee invokes this right. In reality, this law is not being applied owing to the dilatoriness of employees and the lack of liquidity in the social security fund to fulfil these obligations.

Criminal law and women

126. As there is a current need to amend various provisions involving women in Ecuador, the Parliamentary Commission on Women, Children and the Family established on 14 September 1988 which was in itself a significant event for women in Ecuador as regards their new legal status - convened the Workshop on Legal Reform of the Criminal Code, in which for the first time women had the opportunity to propose reforms designed to eliminate sexual discrimination still existing in the law of Ecuador despite the provisions of the Political Constitution.

127. This initiative of the Parliamentary Commission highlighted the need to reform 23 articles of the Criminal Code, which had received less attention than the Civil Code from the point of view of women and with regard to its impact on women. This legal text which defines offences and perpetrators of offences has evolved from a policy of protecting women, in the same way as minors, and punishing them if they offend against marital authority or are unfaithful as concubines (to cite but two extreme examples), to a situation where adultery by women has ceased to be a criminal offence because under our legislation, between 1987* and 1970, with certain variations, only women could be charged with adultery and punished for it.

128. The current proposals for changes in 23 articles are aimed at removing unconstitutional and clearly patriarchal features still remaining in the Code, such as for example the power of the father, grandfather or brother to kill if he surprises a woman "in an illegitimate carnal act" (article 27), or either of the spouses if one surprises the other in "flagrant adultery" (article 22).

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* Translator's note: Sic in the original language.

129. It is being further suggested that what is meant by aggression should be clearly specified, and that the law should not be imprecise, as in relation to offences against decency which article 505 describes as "any act which may offend against decency without involving sexual intercourse".

130. As can be seen, some proposals are also aimed at legislating in an explicit manner on common acts which fundamentally affect women and minors of both sexes.

131. In this context, it has been proposed that the existing sanction applied to the public employee who sexually solicits a person should be extended to officials and public agents. In articles where the victims are regarded as female, there should be a reference also to male victims and vice versa. There should be reference not only to spouses but also to cohabiting persons, since the de facto union is legally recognized. Supervisors, employers, directors, teachers, officials, employees and public agents should be explicitly considered subject to the law of rape, which should be equally extended to marriage. All rape should be punished by long-term imprisonment of 12-16 years.

ARTICLE 3

132. "States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men." To ensure "the full development and advancement of women", it is essential that there should be mechanisms to investigate the status of women in all sectors and verify that their rights and freedoms recognized by the Constitution are realized. For this purpose, and as a result of the Decade for Women, the National Office of Women (OFNAMU) was set up in Ecuador in 1975, being upgraded to the status of National Directorate for Women on 9 May 1986 under a decision which states:

133. "Article 1. The National Directorate for Women (DINAMU) shall be established in the Ministry of Social Welfare."

134. "Article 2. The National Directorate for Women shall be the executive technical agency through which the Ministry of Social Welfare shall execute the social policy of the National Government, the objects of which are to promote full equality of women in political, juridical, psychological, economic, educational, ethnic and cultural life and the struggle for peace, in order to improve the status of the woman as a member of the family and ensure adequate participation in the country's development process."

135. "Article 3. The National Directorate for Women shall consist of management level, provincial offices and technical, administrative and service departments.

"The National Directorate for Women shall have the following responsibilities and functions:

"(a) To participate with the related local, sectoral and national agencies in defining policies for the implementation of plans and programmes aimed at women in the country;

"(b) To promote the participation of women, in order to encourage their integration in the socio-economic development process of the country, with emphasis on employment, health and education;

"(c) To channel and assign human, technical, economic and other resources to ensure effective implementation of its plans and programmes;

"(d) To encourage the organization at national level of women's groups aimed at achieving self-management;

"(e) To administer, subject to legal and regulatory provisions in force, the resources allocated to it to achieve its objectives;

"(f) To fulfil and ensure the fulfilment of its obligations inherent in the provisions issued by the Minister and Under-Secretary;

"(g) In the State and private sector, to co-ordinate and monitor plans and programmes formulated to improve the status of women in Ecuador with corresponding institutions at international level.

"Functions

"(a) To develop and implement plans and programmes, based on the policy guidelines of the National Development Plan and the Ministry of Social Welfare;

"(b) To direct, guide, monitor and evaluate the activities undertaken by its constituent agencies;

"(c) To establish co-ordination with public, private, national and international agencies;

"(d) To obtain and provide technical and financial assistance in the area in which it is competent;

"(e) To participate in the preparation of the programme-budget for the Directorate and submit it in a timely manner for consideration by the authorities;

"(f) To provide technical-administrative support so that the provincial offices can fulfil the targets set forth in the women's programme;

"(g) To evaluate, and report to the authorities of the Ministry on, the implementation of programmes executed by agencies, associations, corporations and similar institutions and international events on the basis of the operational working plans, submitted anually or approved by the competent authority."

136. "Article 4. The Ministry of Finance and Public Credit shall transfer the allocations necessary for the organization and functioning of the National Directorate for Women created by virtue of this decision, together with projects and programmes of the Ministry of Social Welfare to be effected by the Directorate."

137. "Article 5. The implementation of this decision, which shall enter into force on the date of its publication in the Official Gazette, shall be the responsibility of the Ministry of Social Welfare and Finance (28 April 1986).

"Note: Being the most important in 1986, the constituting decision shall be known as 'Directorate for Women' with all its provisions."

ARTICLE 4

138. This article establishes an exception to the concept of discrimination as defined in article 1 of the Convention. This rule permits States parties to adopt "temporary special measures" to correct the imbalance caused by centuries of discrimination against women and to accelerate de facto equality between men and women.

139. "The adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory."

140. In this sense the State has not taken any special measure of "positive discrimination in favour of women", but with regard to the Labour Code there are specific provisions relating to female workers who are pregnant. These are:

Rights of female workers who are pregnant:

1. Women are not permitted to work from two weeks before confinement until six weeks after.
2. The labour contract cannot be terminated on the grounds of pregnancy and the employer cannot permanently replace the woman concerned during the period of eight weeks indicated in the preceding subparagraph.
3. During this period, women shall receive the full remuneration to which they are entitled.
4. If the woman remains absent for more than a year because of a serious illness caused by pregnancy or confinement which prevents her from working, the employer cannot deem the employment contract to be terminated.
5. The female worker shall be entitled to two hours' lactation time per day for the nine months following birth.
6. She cannot be subjected to summary dismissal or eviction from the date when pregnancy begins unless the employer first proves the existence of a just cause envisaged in the Labour Code.

ARTICLE 5

141. This article binds all States parties "to take all appropriate measures ... To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women".

142. "To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases."

143. In Ecuador there persists a set of beliefs, values, conventions and customs which have grown up historically, and defined rigid, differentiated roles and functions for men and women; although there have recently been some structural changes which are modifying the scope of women's activities and there is recognition by society, this has not succeeded in destroying some cultural patterns.

144. The State and the non-governmental organizations are operating and working at the level of the family, the educational system and the communication media in those areas where the social devaluing of women is being perpetuated.

145. So far the following activities have been undertaken:

- Seminars and workshops;
- Television publicity;
- Publication of pamphlets.

ARTICLE 6

146. "States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women."

147. At the present day nobody contests the proposition that the most important direct or indirect cause of prostitution is an economic one. The economic basis of prostitution is so clear that it is considered more a labour problem than a moral question.

148. In Ecuador the social causes of prostitution are many: migration from the country to the towns, rape of young country girls by their employers, deception, seduction, abandonment of the family by the husband or father, all these are sources of prostitution; but in general poverty is the overriding factor.

149. In Ecuador the practice of prostitution is not a criminal offence. It is necessary to highlight that in Ecuadorian society persons practising prostitution, especially women, are regarded as shameful. In Ecuador there is a double standard resulting from male chauvinism, so that article 525 of the Criminal Code states "anyone receiving women in his house so that they may abuse their bodies there will be punished by imprisonment of three to five years, except where that person is the manager of a licensed brothel established in accordance with the regulations laid down by the authorities for such establishments".

150. From this it is clear and proven that society encourages, promotes and legalizes the existence of brothels, and thus promotes white slavery.

151. The Health Code is also contradictory, since article 77 states firstly that prostitution is prohibited, but then adds that prostitution is tolerated in closed premises, and further adds that those who practise prostitution must submit to periodical medical examinations, and that brothels and houses of assignation must obtain medical permits.

152. In summary, the commercial exploitation of prostitution is fully tolerated and permitted by legislation in Ecuador.

153. Under the present Government, the National Directorate for Women is concerned to study the problem of prostitution and the social rehabilitation of the women involved.

ARTICLE 7

154. "States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

"(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

"(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

"(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country."

155. In Ecuador women acquired the right to vote in 1925 in the Julian Revolution, but it was only in 1929 that this right was exercised thanks to Matilde Hidalgo de Prócel, and women entered political life in Ecuador for the first time.

156. The Constitution of Ecuador guarantees the right to freedom of opinion, conscience and religion, individually and collectively, in public or private.

157. The Constitution, beginning at article 19, establishes the political charter of the State which provides: "that suffrage shall be universal, equal, direct, secret and compulsory for all persons able to read and write and optional for illiterate persons. All Ecuadorians having attained the age of 18 years and enjoying political rights shall have the right to vote".

158. Women and men in Ecuador may elect or be elected, the requirements for being a candidate are:

- Being Ecuadorian by birth,
- Enjoying citizens' rights,
- Being a member of one of the political parties.

159. Apart from these general requirements there are other specific requirements to be President of the Republic:

- Being not less than 35 years of age;
- Being elected by a majority of voters in direct, universal and secret ballot.

160. For candidacy for national deputy, the minimum age is 30 years, while to be a provincial deputy it is only necessary to be 25 years of age.

ARTICLE 8

161. "States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations."

162. In Ecuador there is no legislative impediment prohibiting or limiting the participation of women in international organizations, councils or commissions of such organizations or councils and commissions at national level.

163. The percentage of women holding diplomatic posts is 7.08 per cent.

ARTICLE 9

164. "States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband."

"States Parties shall grant women equal rights with men with respect to the nationality of their children."

In Ecuador, in accordance with the Law of Naturalization (article 8), a married woman does not need authorization from her husband to seek naturalization.

165. In general Ecuadorians cannot possess another nationality, but there are exceptions, for example, as regards Spanish nationals and Ibero-Americans provided that relevant conventions have been signed between the respective countries.

166. Men and women in Ecuador can only lose their nationality as a result of:

1. Conviction for treason;

2. Naturalization in another country, except Spain or Ibero-American countries;

3. Cancellation of the naturalization papers already obtained.

167. Ecuadorian nationality can be lost where the man acquires another nationality, in which case his wife and children also lose Ecuadorian nationality, if in the foreign country the fact of the husband acquiring that country's nationality means that his children and wife also acquire it. However, the wife and the children retain their right to recover Ecuadorian nationality if the marriage ends or when the children reach the age of majority.

ARTICLE 10

168. States Parties are to take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging co-education, the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same opportunities to participate actively in sports;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

169. In Ecuador only 9 per cent of the infant population receives pre-school care from the State:

- Eighty per cent of children enrolled come from urban areas, which means that children living in rural zones have practically no access to pre-school facilities.

At primary level, it is calculated that 86 per cent of the population of Ecuador currently has primary level education, but these figures conceal some major problems relating to the education of children; for example:

- Only one third of children enrolled go to school at the proper age;
- Fifty per cent of rural schools have only one teacher for all grades;
- Repetition and truancy are very high, particularly among girls in rural zones.

170. This can be accounted for by the state of poverty in which most Ecuadorian families live, forcing parents to take their children out of school at a very early age to contribute to the family economy.

171. The educational system in Ecuador is authoritarian, based on repression, fear and punishment, particularly in rural areas, where boys and girls are obliged to memorize knowledge unrelated to their real circumstances and their specific needs.

172. It is usual to divide the human population into adults (or "men" - hombres) and children (or "boys" - niños), but this means that women and girls remain invisible, with girls being clearly the least visible.

173. Women constitute half of the population of Ecuador and girls constitute half the child population, so that poor girls in Ecuador are doubly oppressed, by virtue of being poor and being girls.

174. Girls are the least protected even in the home, since their own mothers, when food is scarce, reduce their food ration to increase the boys' ration. Their own parents, when they have to choose, prefer to send the son to school and not the daughter. It is therefore no accident that 60 per cent of illiterates in Ecuador are women.

175. Ecuador has embarked on the literacy campaign proposed by the Government, with emphasis on the high level of illiteracy among the female population, a factor revealing the high level of discrimination against women.

176. As shown by the statistics of the Ministry of Education, illiterate women account for 60 per cent of the total illiterate population of Ecuador, a situation which makes the integration of women on equal terms in the social, economic, juridical and political life of the country even more difficult.

177. Despite the fact that opportunities for access to education by women have been progressively created, it usually happens that, because of the commitments of young couples and the intrinsic characteristics of women, it is the woman who gives way in order for the man to train while she takes on the role traditionally assigned to her of looking after the home.

178. In the Amazon, Sierra and Island regions, the percentage of female illiteracy is much higher compared with that of men, as can be seen from the following table:

Number and percentage of the illiterate population aged 10 years and over

LEVEL	MEN		WOMEN		TOTAL	
	Number	%	Number	%	Number	%
National	342 969	12.1	501 565	17.4	844 534	14.8
Sierrain	153 100	11.6	290 231	20.6	443 331	16.3
Coast	175 974	12.5	192 413	13.9	368 387	13.2
Amazon	11 121	11.7	16 247	20.9	27 368	15.8
Island	185	6.8	203	11.1	388	8.5

Source: ILDIS, Statistics of Ecuador, 1988.

Note: Does not include undefined zones.

179. This is one of the aspects which the literacy campaign currently being undertaken in the country is attempting to overcome, with the direct collaboration of secondary educational establishments, in particular, as well as the National Directorate for Women.

180. Secondary education in Ecuador lasts for six years, divided into two stages: from the first to the third year, known as the basic cycle, and from the fourth to the sixth year, known as the "diversified" cycle.

181. Approximate figures for 1988 show that 342,507 females in urban areas were enrolled, while the number of males was 327,921. In rural areas, the number of females enrolled was 41,225 compared with 52,178 males.

Higher education

182. Higher education in Ecuador is free and there are five classical universities which run a total of 156 courses. There are also seven technical universities with 68 courses. There are three polytechnics with 38 courses. In addition there are six private universities with a choice of 94 courses of study.

183. The number of university students in the period 1980-1981 was 262,550, while for the same period the number of university lecturers was 11,186. Unfortunately, separate figures by sex are not available, but it is known that the number of women students in universities has significantly increased.

184. The Ecuadorian Institute of Educational Credit and Grants (IECE), a State body responsible for the overall planning and implementation of the educational loan programme at national level and the centralized administration of scholarship programmes financed nationally or internationally, is carrying out two programmes:

(a) Educational credit, which is loans granted to Ecuadorians of academic merit who lack sufficient financial resources, so that by obtaining these loans they have the means to partly or totally finance their education and the use by them of the educational services to which they are entitled is facilitated; and

(b) International scholarships - the administration of scholarship programmes offered to Ecuador both by Governments of friendly countries and by international organizations.

ARTICLE 11

185. States parties are to take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits;

(d) The right to equal remuneration;

(e) The right to social security.

186. Legally women can do the same work as men; the only distinction made by the Labour Code is when it sets weight limits in respect of manual work which may be carried out by women under the age of 21 years. Nevertheless it should be added that women come under the same heading as minors, which emphasizes the idea of inferior capacity and weakness. It is under this heading that the rules relating to maternity, day nurseries, etc., are contained, as if the circumstances considered represented a diminution of capacity.

187. In Ecuador there is supposed to be equal remuneration for equal work between men and women, but the reality is otherwise, since it is assumed that women do not have to maintain a family and that their wages are therefore complementary to the man's.

188. The age of majority in Ecuador is 18 years, and that is when it becomes possible to work without the authorization of one's parents; between the years of 12 and 14 years, in addition to the authorization of the parents, the permission of the Juvenile Court is required. Work is supposed to be prohibited to children under the age of 12 years, but hundreds of children can be seen working in the street every day.

189. A woman's pregnancy is not grounds for dismissal, and if she is dismissed the employer must pay an indemnity. In addition, the employer is obliged to grant leave two weeks before and six weeks after confinement and to pay the woman her full remuneration during that time.

190. If the pregnancy or confinement results in the woman being incapable of work, the employer is obliged to keep her post open for a year, although he does not have any obligation to pay the remuneration beyond the eight weeks already mentioned above.

191. Following delivery and in addition to maternity leave, for the nine months following, the working day for the mother is reduced from eight to six hours so that she may feed her baby.

192. Women workers in private enterprises are entitled to 15 days' holiday per year, and after five years an additional day for each year.

193. A girl under 16 years of age is entitled to 20 days' annual leave.

194. In the public sector, annual leave is 30 days.

195. In Ecuador, social security is an institution through which the State, through financing by the participants themselves, seeks to protect the health of those under its care.

196. Being a participant in the social security scheme means that, in case of illness, maternity, disability, death or unemployment, the female employee can apply for medical assistance, maternity care, pensions, public assistance, death grant, subsidies, etc.

197. A retirement pension is payable when the required age is reached and the necessary years of service have been completed; for women 25 years' contribution to the social security scheme is required.

Employment

198. According to the Fourth Census carried out in 1982, the total population of the country was 8,060,712; of these 4,039,678 were females, representing 51.8 per cent of the total. There are 2,039,678 females living in urban areas and 2,000,000 in rural areas. In rural areas the total economically active population is 59 per cent. Of the economically active population, 7.5 per cent are women.

199. In urban areas, of every 100 women, 26 are working in service occupations, 19 in professional or technical occupations, 16 in clerical or related jobs, 15 in sales, 13 are in the production and related workers group, eight in the agricultural workers group and five in the administrative and managerial group.

200. In rural areas, of every 100 women working in the country: 40 are employed in agricultural work, 18 are in the production and related workers (non-agricultural) group, 12 are service workers, eight are professional or technical workers, seven work in sales, three work in clerical or related jobs, and one is in the administrative and managerial group.

201. With regard to urban areas, the whole set of problems affecting women in Ecuador, particularly women living in the suburbs of the large cities, is further aggravated by the alarming increase in the number of women heads of households; in the cities of Quito and Guayaquil this applies now to 30 per cent of working class homes, with the well-known harmful consequences such as lack of income, an increase in the informal sector of the economy, an increase in the number of children working on the streets, delinquency, prostitution, drug addiction and so on.

202. To this situation is added the pronounced sex discrimination which it has not been possible to overcome, despite efforts made particularly through women's movements in recent years; this relates especially to women's integration in the labour market, from which women tend to be excluded because of their role as mothers and because they do not have the skills demanded.

203. According to the 1982 Census, the female population was 50.1 per cent of the total population of the country. The total economically active population was 2,346,063; of this population 1,861,652 were men and only 484,411 (less than 30 per cent) were women.

204. Of the female economically active population, 74 per cent are involved in domestic activities, combining their activities in the face of shortage of income, deterioration in consumption and the impossibility of saving. The severe effects of migration explain the predominance of women in street vending and prostitution, a situation which is combined with their role as mothers, wives and unpaid domestics - even more so if we take into account the large percentage in marginal urban sectors accounted for by mothers who are heads of families relying on only one income.

ARTICLE 12

205. States parties are to take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

206. States parties are to ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

207. The opportunity that we Ecuadorian women have to shelter for nine months a new being, a unique experience enriching the life of women, continues to be a risk factor.

208. In Ecuador, 64 per cent of births take place without professional care, and 3 women out of 100 die from causes related to pregnancy, confinement and the post-natal period.

209. The Ecuadorian social security system covers only 7 per cent of the population. There are only two maternity wards throughout the country and they deal with approximately 70 births daily.

210. Some 600 Ecuadorian women die each year from cancer of the cervix, 200 women face the risk of contracting uterine cervical cancer every year and 1,200 women also face the risk of developing breast cancer.

211. Health policies in Ecuador, under the 1980-1981 Plan, relate to:

- Transmissible diseases
- Mother and child health
- Medical care
- Resources development
- Environmental health
- Research.

212. The most important points to take into account in mother and child health are:

- Increasing pre-natal, delivery and post-natal care, to reduce maternal mortality;
- Increasing infant and pre-school care to reduce infant mortality;
- Promotion of women's health in aspects related to the detection of uterine cervical cancer and breast cancer;
- Control of fertility;
- Priority dental care for children under 6 years of age and expectant and nursing mothers;
- Supplementary food for expectant and nursing mothers and pre-school children at risk;
- Restoring undernourished children to full health;
- Development of a mental health programme and a programme for the control of narcotic drugs and psychotropic substances.

213. In the context of family planning, the State guarantees the right to parents to have the number of children that they can maintain and educate, at the same time promoting responsible parenthood and appropriate education for the promotion of the family (article 24 of the Constitution).

ARTICLE 13

214. States parties are to take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to family benefits;

(b) The right to bank loans;

(c) The right to participate in recreational activities, sports and all aspects of cultural life.

215. The Constitution of the Republic of Ecuador guarantees the equality of men and women in all areas of political, economic, social and cultural life.

ARTICLE 14

216. States parties are to take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and take all appropriate measures to ensure the application of the provisions of the Convention to women in rural areas.

217. States parties are to take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development.

218. In Ecuador it is almost impossible for rural women to obtain loans. With regard to social security for agricultural workers, there are two types of insurance: social insurance for agricultural workers and social insurance for farmers. The first is for those working as employees in activities in rural zones; the second is for members of communes, committees and other forms of farmers' organization, or for farmers who do not belong to such organizations but wish to participate in the scheme.

219. The social security scheme for agricultural workers and farmers offers benefits in the following areas:

- Sickness
- Maternity
- Dental care
- Occupational hazards
- Old-age pension
- Funeral assistance.

220. In Ecuador there is a Department for Integrated Rural Development belonging to the Ministry of Social Welfare, whose purpose is to formulate, execute and evaluate integrated rural development projects. The projects tackle the problem of marginal farming sectors, using a global approach and supporting participation by farmers.

221. In 1989, the Department for Integrated Rural Development (SEDRI), together with the National Directorate for Women, made a proposal for carrying out specific programmes for women in the framework of 20 integrated rural development projects.

222. In the Ministry of Agriculture and Livestock there is a department called "Appropriate Technology for Women", which has been implementing 20 community development projects and is currently trying to increase the coverage of the projects together with the National Directorate for Women.

ARTICLE 15

"1. States Parties shall accord to women equality with men before the law.

"2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

"3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

"4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile."

223. It has already been pointed out that the Constitution of Ecuador establishes the juridical, economic and social equality of men and women; and under article 2 of the Convention we described some changes which have taken place in our Civil Code.

ARTICLE 16

224. States parties are to take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights as parents;

(e) The same rights to decide freely on the number of their children;

(f) The same rights with regard to guardianship of children;

(g) The same personal rights as husband and wife to choose a family name, a profession and an occupation;

(h) The same rights in the administration of property;

(i) The fixing of a minimum age for marriage.

225. The Constitution of Ecuador guarantees equality and the latest reforms to the Civil Code explained under article 2 guarantee tne application of the article in question. With regard to the minimum age for marriage in Ecuador, this is 18 years for both men and women.

226. In Ecuador, de facto unions are recognized in law, but in order for the de facto union to exist the following conditions must be satisfied:

- It must be a monogamous union;
- It must be stable and of at least two years' standing;
- The couple must be free from any other matrimonial bonds;
- The union must be for the purpose of living together, having children and providing mutual support.
- Children have the same rights in de facto and de jure unions.

CHAPTER IV

THE METHODOLOGY USED BY ECUADOR IN THE PREPARATION OF THE REPORT IN ACCORDANCE WITH ARTICLE 18 OF THE CONVENTION

1. The office responsible for co-ordinating, gathering and analysing the information required by the Convention and described in the "general guidelines regarding the form and content of reports received from States parties under article 18 of the Convention" and the general recommendations of the Committee on the Elimination of Discrimination against Women, is the National Directorate for Women (DINAMU), which prepares the report in co-ordination with other governmental and non-governmental organizations.

2. Methods of gathering information

- Undertaking surveys which make available a complete list of organizations active in the country;

- Requesting each of the organizations to pass on research it has carried out;

- Through the Documentation Centre - information both from national and international organizations has been centralized through the non-governmental organizations;

- Through a permanent and systematic linkage of the organized community with public and private bodies responsible for social development in relation to children, women and the family.

3. Function of national mechanisms and non-governmental organizations

227. In considering the problems of women, the National Government has implemented comprehensive programmes aimed at promoting women and integrating them into society with full enjoyment of all their rights, through interministerial and inter-institutional co-ordination in which a preponderant role is played by popular participation, within a process of organization and encouragement of the population; the result is a harmonious confluence between social needs and demands and the possibility of institutional responses through contacts with leaders and organizations, extensive meetings with inhabitants, research, analysis and the reflection of reality, as well as proposals for alternative solutions.

4. Co-ordination between governmental and non-governmental organizations

228. As a means of integrating and supporting the countless actions undertaken by the various State bodies, non-governmental organizations, etc., co-ordination has become a well-developed process aimed at avoiding duplication of activities, at economizing human and financial resources and, especially, at strengthened action, together with the recipient popular organizations, whose maximum involvement is encouraged.

229. It is worth mentioning the co-ordinating events organized by the National Directorate for Women which have been directed, initially, towards obtaining information on action taken and objectives and targets achieved by organizations working for and with women. Analyses of the problems of women have been highlighted, particularly in relation to the discriminatory treatment of women in national life and the development of mechanisms for its elimination.

Economic activity rates for the rural female population

Period 1974-1986

Age groups	Years						
	1974	1975	1976	1977	1978	1979	1980
12-14 years	18.835	18.627	18.419	18.211	18.002	17.794	17.586
15-19 years	39.136	38.911	38.685	38.460	38.234	38.009	37.793
20-24 years	39.788	39.675	39.563	39.450	39.337	39.224	39.112
25-29 years	35.225	35.147	35.069	34.991	34.913	34.835	34.757
30-34 years	32.584	32.454	32.324	32.194	32.064	31.934	31.804
35-39 years	32.328	32.128	32.068	31.938	31.808	31.678	31.548
40-44 years	33.774	33.601	33.427	33.254	33.080	32.907	32.733
45-49 years	34.995	34.839	34.683	34.527	34.371	34.214	34.058
50-54 years	35.268	34.990	34.713	34.435	34.158	33.880	33.603
55-59 years	33.822	33.544	33.267	32.989	32.712	32.434	32.157
60-64 years	33.644	33.280	32.915	32.551	32.187	31.823	31.458
65 and over	27.937	27.581	27.226	26.870	26.515	26.159	25.803

Economic activity rates for the urban female population

Period 1974-1986

Age groups	Years					
	1981	1982	1983	1984	1985	1986
12-14 years	8.0000	8.0000	8.0000	8.0000	8.0000	8.0000
15-19 years	21.6000	21.6000	21.6000	21.6000	21.6000	21.6000
20-24 years	32.7000	32.7000	32.7000	32.7000	32.7000	32.7000
25-29 years	33.8837	34.1528	34.4219	34.6910	34.9601	35.2292
30-34 years	30.3621	30.6139	30.8656	31.1174	31.3691	31.6208
35-39 years	27.8937	28.0500	28.2062	28.3625	28.5187	28.6750
40-44 years	26.1469	26.2250	26.3031	26.3813	26.4594	26.5375
45-49 years	24.9076	26.9944	25.0812	25.1681	25.2549	25.3417
50-54 years	22.4038	22.4472	22.4906	22.5340	22.5774	22.6208
55-59 years	19.3392	19.3305	19.3218	19.3132	19.3045	19.2958
60-64 years	14.5454	14.3805	14.2156	14.0507	13.8857	13.7208
65 and over	10.1315	10.0360	9.9405	9.8451	9.7496	9.6541

Table of the economically active rural female population by age groups

Period 1974-1986

Age groups	Years					
	1981	1982	1983	1984	1985	1986
TOTAL	**435 994**	**444 965**	**454 560**	**462 053**	**471 162**	**418 172**
12-14 years	28 847	29 361	29 683	30 323	30 939	31 530
15-19 years	80 374	82 130	84 233	85 933	87 974	89 982
20-24 years	70 978	73 106	75 220	76 935	78 638	80 713
25-29 years	50 631	51 901	53 165	54 079	55 331	56 577
30-34 years	39 276	39 745	40 524	41 123	42 369	43 434
35-39 years	33 617	34 104	34 897	35 372	35 842	36 614
40-44 years	30 932	31 414	31 891	32 359	32 821	33 277
45-49 years	26 444	27 334	27 880	28 085	28 286	29 147
50-54 years	21 994	22 142	22 611	22 939	23 395	23 634
55-59 years	17 533	18 013	18 168	18 318	18 461	18 905
60-64 years	13 992	14 136	14 272	14 400	14 522	14 636
65 and over	21 376	21 579	22 016	22 187	22 584	22 723

Table of the economically active urban female population by age groups

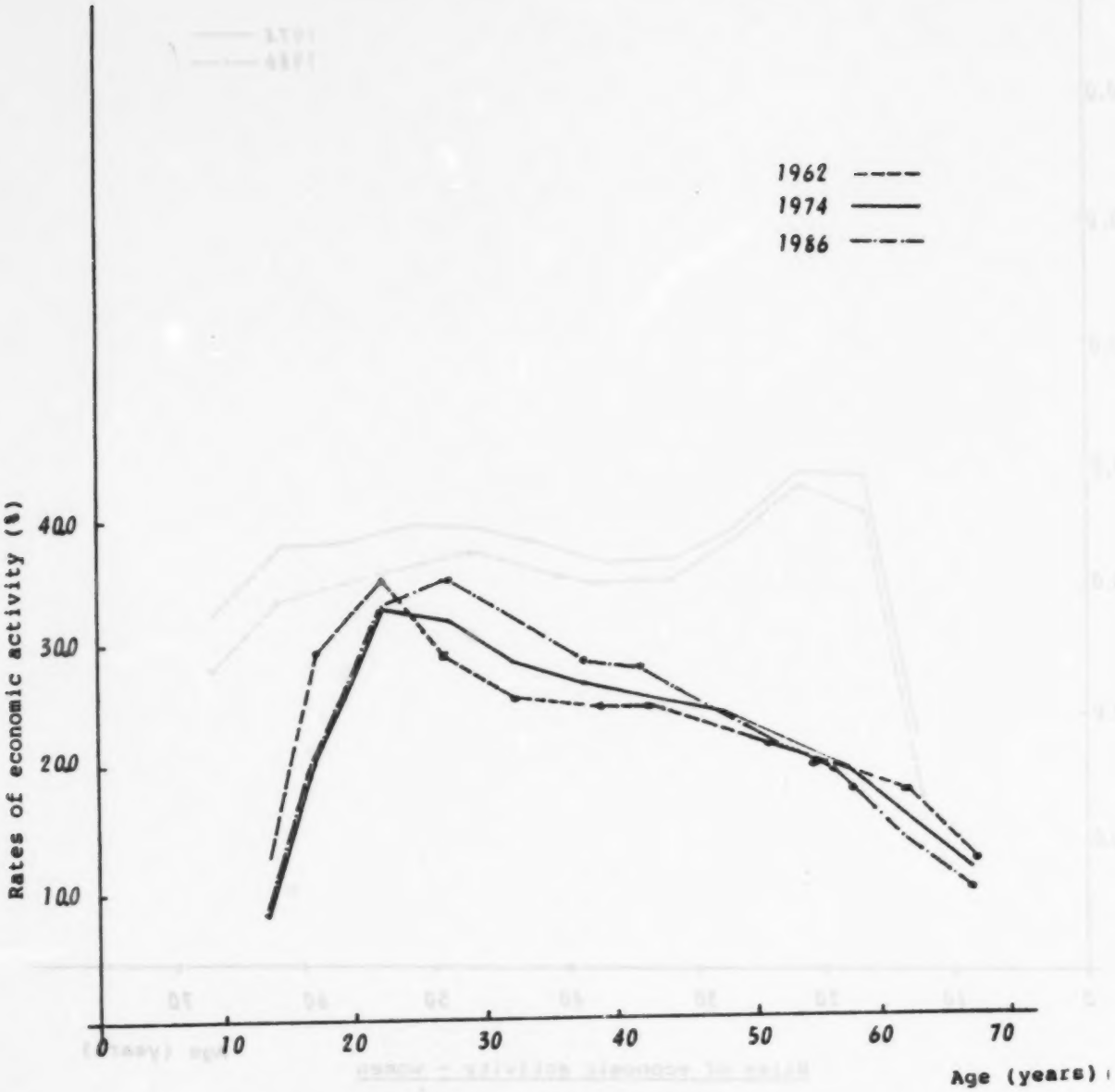
Period 1974-1986

Age groups	Years					
	1981	1982	1983	1984	1985	1986
TOTAL	314 276	328 398	343 424	360 019	377 250	393 925
12-14 years	11 200	11 600	12 080	12 560	13 120	13 760
15-19 years	51 408	52 704	54 000	55 728	57 672	59 616
20-24 years	63 438	66 708	69 651	72 594	75 210	77 499
25-29 years	53 874	56 692	60 237	64 178	68 172	72 572
30-34 years	37 952	40 409	42 902	45 431	47 995	50 592
35-39 years	27 335	29 172	30 462	32 333	34 222	36 130
40-44 years	20 132	20 980	21 831	22 951	24 342	25 475
45-49 years	16 439	16 746	17 557	18 373	19 446	20 019
50-54 years	12 322	12 795	13 269	13 746	14 223	14 703
55-59 years	8 703	8 892	9 274	9 656	10 038	10 226
60-64 years	5 091	5 177	5 402	5 479	5 693	5 900
65 and over	6 382	6 523	6 759	6 990	7 117	7 433

Table of the economically active female population by age groups

Period 1974-1986

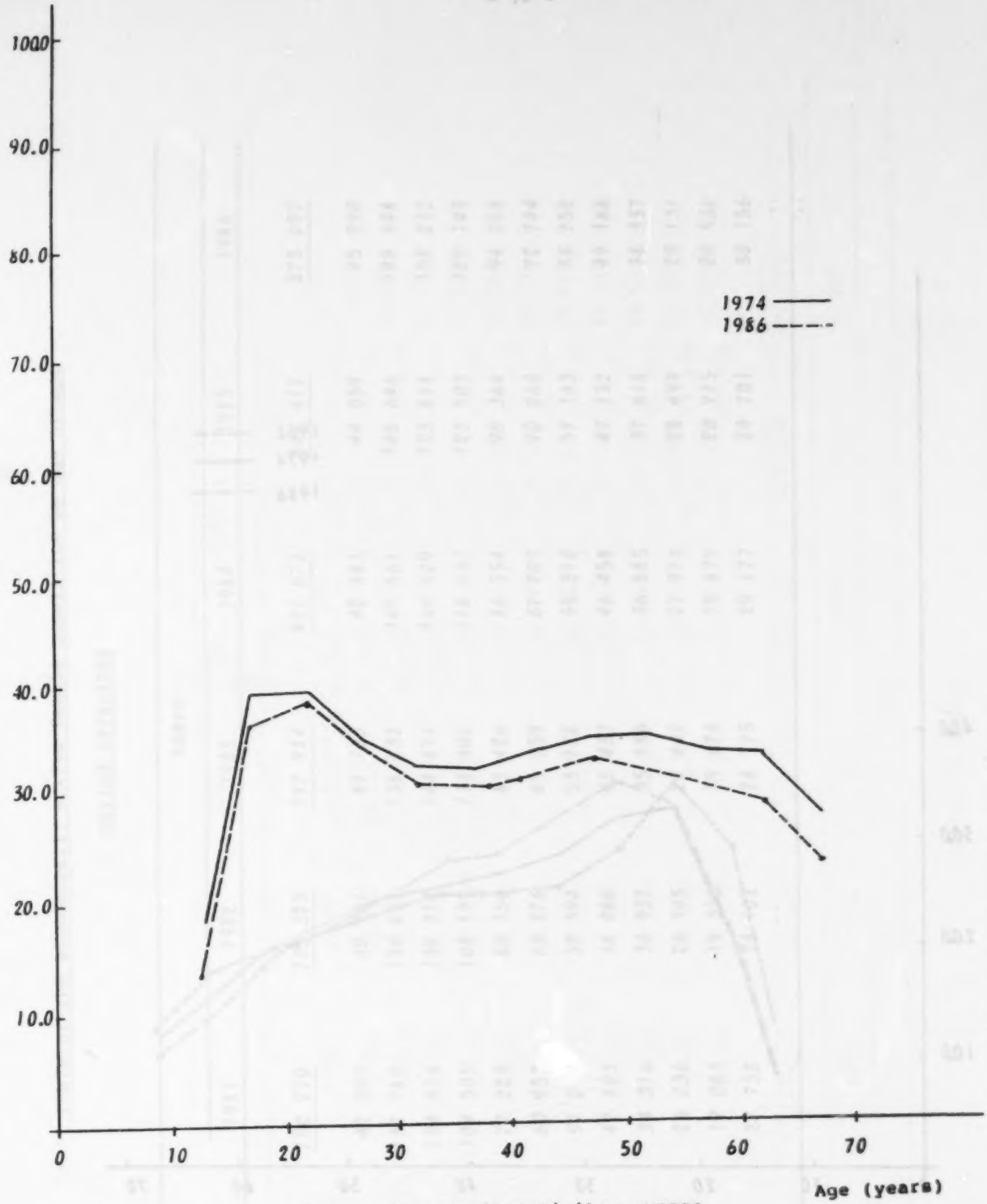
Age groups	Years					
	1981	1982	1983	1984	1985	1986
TOTAL	750 270	773 383	797 984	822 072	848 412	875 097
12-14 years	40 047	40 961	41 763	42 883	44 059	45 290
15-19 years	131 782	134 834	138 233	141 661	145 646	149 598
20-24 years	134 416	139 814	144 871	149 529	153 848	158 212
25-29 years	104 505	108 593	113 402	118 257	123 503	129 149
30-34 years	77 228	80 154	83 426	86 554	90 364	94 026
35-39 years	60 952	63 276	65 359	67 705	70 064	72 744
40-44 years	51 064	52 394	53 772	55 310	57 163	58 752
45-49 years	42 883	44 080	45 437	46 458	47 732	49 166
50-54 years	34 316	34 937	35 880	36 685	37 618	38 337
55-59 years	26 236	26 905	27 442	27 974	28 499	29 131
60-64 years	19 083	19 313	19 674	19 879	20 215	20 536
65 and over	27 758	28 102	28 775	29 177	29 701	30 156



Rates of economic activity - women

Urban area

1962 1974 1986



Rates of economic activity - women

Rural area

1974-1986

Prepared by: National Directorate for Women.

mm/Quito, December 1989.